

WILMINGTON JOURNAL.

DEVOTED TO POLITICS, THE MARKETS, AGRICULTURE, FOREIGN AND DOMESTIC NEWS, LITERATURE, AND GENERAL INFORMATION.

DAVID FULTON, Editor.

GOD, OUR COUNTRY, AND LIBERTY.

TERMS: \$2 50 in advance.

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WILMINGTON, N. C. FRIDAY, AUGUST 14, 1846.

WHOLE NO. 100.

WILMINGTON JOURNAL:
PUBLISHED EVERY FRIDAY MORNING, BY
PRICE & FULTON, PROPRIETORS.

TERMS
Two Dollars and fifty cents is paid in advance.
\$3 00 at the end of three months.
No paper discontinued until all arrearages are paid, except at the option of the publishers. No subscription received for less than twelve months.
TO CLUBS OF
Five new subscribers, to one address, \$11 00
Ten, do, do, do, 20 00
Twenty, do, do, do, 38 00
No attention paid to any order unless the money accompanies it.

We will pay the postage on letters containing Five Dollars and upwards, and money may be remitted through the mail at our risk. The Postmaster's certificate of such remittance shall be a sufficient receipt therefor.

ADVERTISEMENTS
Inserted at one dollar per square of 16 lines or less, for the first, and twenty-five cents for each succeeding insertion. 25 per cent will be deducted from an advertising bill when it amounts to thirty dollars in any one year. Yearly standing advertisements will be inserted at \$10 per square. All legal advertisements charged 25 per cent higher.

If the number of insertions are not marked on the advertisement, they will be continued until ordered out, and charged for accordingly.
Letters to the proprietors on business connected with this establishment, must be post paid and directed to the firm.

OFFICE on the south-east corner of Front and Princess streets, opposite the Bank of the State.

Post Office, Wilmington.
NEW MAIL ARRANGEMENT.

NORTHERN MAIL, by Rail Road, is due daily at 3 P. M. and closes at 10 every night.
SOUTHERN MAIL, by Steamer from Charleston, is due daily at 8 A. M., and closes at 12 P. M. every day.
FAVETTEVILLE MAIL, by Rail Road, is due on Mondays, Wednesdays and Fridays, at 3 P. M., and closes on same days at 10 at night.
FAVETTEVILLE MAIL, by Prospect Hill, Elizabethtown, Westbrooks, and Robinson, is due on Tuesdays, Thursdays and Saturdays, at 9 A. M., and closes on same days at 10 P. M.
SMITHVILLE MAIL, by Steamer, is due daily at 8 A. M., and closes at 12 P. M. every day.
TAYLOR'S BRIDGE, LONG CREEK, MOORE'S CREEK, BLACK RIVER CHAPEL, and HARBELL'S STORE MAIL, is due every Thursday at 6 P. M., and closes same night at 10.
ONSLOW COURT HOUSE, STUMP SOUND, and TOWERS MAIL, is due every Monday at 4 P. M., and closes every Thursday night at 10 P. M.

PRINTING
OF EVERY DESCRIPTION.
Neatly executed and with despatch, on liberal terms for cash, at the JOURNAL OFFICE.

DAVID FULTON,
ATTORNEY AT LAW,
WILMINGTON, N. C.

EDWARD CANTWELL,
ATTORNEY AT LAW,
WILMINGTON, N. C.
Will practice in the Courts of NEW-HANOVER, BRUNSWICK, SAMPSON, DUPLIN, and ONSLOW.
June 19, 1846 40-4

MANTUA-MAKING.

MRS. PRICE would inform the ladies of Wilmington and its vicinity, that she will execute work in the above line, on reasonable terms. Residence over the JOURNAL OFFICE, November 7, 1845

JAMES I. BRYAN,
Commission Merchant,
NUTT'S BUILDING—Next door to HALL & ARMSTRONG.
[30-4]

GILLESPE & ROBESON
Continue the AGENCY business, and will make liberal advances on consignments of Lumber, Naval Stores, &c. &c. Wilmington, August 1st, 1845.

CORNELIUS MYERS,
Manufacturer & Dealer in
HATS AND CAPS.
WHOLESALE AND RETAIL,
MARKET STREET—Wilmington, N. C.

GEORGE W. DAVIS,
Commission and Forwarding
MERCHANT,
LONDON'S WHARF, Wilmington, N. C.

ROBT. G. RANKIN,
Auctioneer & Commission Merchant,
WILMINGTON, N. C.

Liberal advances made on shipments to his friends in New York.
September 21, 1844. 1-4f.

JOHN HALL,
Commission Merchant,
One door So. of Brown & DeRossett's, Water-st
WILMINGTON, N. C.

WILLIAM COOKE,
GENERAL AGENT
AND
COMMISSION MERCHANT,
WILMINGTON, N. C.
Office, second door North of Market street, on the wharf, up stairs.
Ap17, 1846 31

LAND DEEDS, a new supply, just printed and for sale at the JOURNAL OFFICE.

**MITCHELL'S
POCKET MAP**
OF
Texas, Oregon, and California.
A FEW copies of the above work, of the very latest edition, may be obtained at the JOURNAL OFFICE.

FRANKLIN HOUSE.

THE subscriber most respectfully informs his friends and the public at large, that he has taken the above commodious HOTEL, near the Rail Road Depot, and near the Commission Store of Messrs. G. P. & R. H. Grant, which he has thoroughly furnished, in the best of style, for the accommodation of transient and regular Boarders. Every attention will be paid in order to give satisfaction to those who may be kind enough to patronize him. His BAR is furnished with the best of Liquors, and strict order observed.

Terms moderate. RICH'D BROTHERS.
Wilmington, N. C., July 10, 1846. 43-3m

Medical Co-Partnership.

THE subscribers having entered into a Medical Co-partnership, the practice of the profession, in all its branches, will henceforth be conducted by them jointly, under the firm of McREE & MEARES. The latter will attend to calls from the country, as well as in town.

JAMES F. McREE, Sen.,
JOHN L. MEARES.
May 22, 1846 36-4f

WANTED—The highest CASH PRICE will be paid for OLD PEWTER, by
180, 1846 20-4f HART & POLLEY.

20,000 BACK and front street
Brick, for sale by
E J LUTTERLOH.

Just Received
AT
H. R. Nixon & Co's
CHEAP FAMILY GROCERY,
UNDER THE CAROLINA HOTEL,

BY the last arrivals from New York, every thing good to eat, come or send and see.

Jellies.
Wooden ware, all kinds,
Tin do do
Stones do do
Brooms do do
Tobacco do do
Table Salt
Bird Cages;
Black Currant.
Preserves.

Quinces;
Plums;
Grapes;
Cranberries;
Cherries;
Peaches;
Pine Apple;
Canton Ginger;
Syrups.
Ginger;
Raspberries;
Strawberry;
Lemon;
Pine Apple.
Brandy Preserves.

Peaches;
Strawberries;
Goswberries;
Raspberries;
Cherries.
Horse Radish;
Pickles, all kinds;
Cattapoo do
Sauces do
Mustard do
Pickled Lobster;
Fresh do
Hotlbut, fresh;
Sardines;
Pepper Sauce;
Ground Pepper;
do Allspice;
do Cinnamon;
Sugars, all kinds;
Coffee do
Family Bock;
Smoked do
do Tongues;
Salmen;
Nuttings.

All of the above are fresh, and great pains have been taken in making the selection, for the sole use of those who will favor us with their custom.
Wilmington, N. C., April 24, 1846.

**New Merchant Tailoring
ESTABLISHMENT.**
THE subscribers would inform the citizens of Wilmington and the surrounding country, that he has opened, in the store recently occupied by Mr. P. M. Luciani, next door to Dr. Shaw's Drug Store, and is now receiving a large and well selected stock of

GOODS,
consisting in part of French, English and American blue, black and fancy cloths, fancy colored Cassimeres and Vestings. Also, an excellent assortment of

Ready-Made Clothing,
among which are every variety and style of Dress, Frock and Sack Coats, Pants and Vests, all of which were got up under my own direction at the North, expressly for the Southern Market.

The Outfitting Department
has been selected with great care, and consists of Silk, Linen and Cotton Shirts & Drawers, Gloves, Suspenders, Linen Bosoms and Collars, Cravats, Stocks, Handkerchiefs and Neck Ties, and every other article usually kept in his line, all of which will be offered lower than has ever before been offered in this market, for Cash.

SAMUEL BOYD & CO.
N. B.—The Cutting Department will be conducted by Mr. THOMAS D. BELL, who flatters himself, from long experience and strict attention to business, to be able to give general satisfaction.
May 22, 1846 36-y

Blacksmithing.
THE undersigned respectfully informs the citizens of Wilmington and the surrounding country, that he is prepared to do Mill work, Steamboat work, Ship work, and edged tools of all descriptions; and likewise, Horse Shoeing and Coach work, done in the neatest style; and bills made out according to times, for cash. I will be found at the shop formerly occupied by James Leonard, on Water street. SAM. J. PERRY.
Wilmington, June 26, 1846. 41-4f

BLANK WARRANTS—for sale at the JOURNAL OFFICE.

For Rent.
A FINE ROOMY STORE, in Mr. Parley's building, one door north of the Custom House.
For terms apply to
July 24 E J LUTTERLOH.

MESSAGE.

The following message from the President, returning the River and Harbor Bill with his objections, was sent to the House of Representatives on Monday.

To the House of Representatives:

I have considered the bill entitled "An act making appropriations for the improvement of certain harbors and rivers" with the care which its importance demands, and now return the same to the House of Representatives in which it originated, with my objections to its becoming a law. The bill proposes to appropriate one million three hundred and seventy-eight thousand four hundred and fifty dollars to be applied to more than forty distinct and separate objects of improvement. On examining its provisions, and the variety of objects of improvement which it embraces, many of them of a local character, it is difficult to conceive, if it shall be sanctioned and become a law, what practical constitutional restraint can hereafter be imposed upon the most extended system of internal improvements by the federal government in all parts of the Union. The constitution has not, in my judgment, conferred upon the federal government the power to construct works of internal improvement within the States, or to appropriate money from the treasury for that purpose. That this bill assumes for the federal government the right to exercise this power, cannot, I think, be doubted. The approved course of the government, and the deliberately expressed judgment of the people, have denied the existence of such a power under the constitution. Several of my predecessors have denied its existence in the most solemn forms.

The general proposition that the federal government does not possess this power is so well settled, and has for a considerable period been so generally acquiesced in, that it is not deemed necessary to reiterate the arguments by which it is sustained. Nor do I deem it necessary, after the full and elaborate discussions which have taken place before the country on this subject, to do more than state the general considerations which have satisfied me of the unconstitutionality and inexpediency of the exercise of such a power.

It is not questioned that the federal government is one of limited powers. Its powers are such, and such only as are expressly granted in the constitution, or are properly incident to the expressly granted powers, and necessary to their execution. In determining whether a given power has been granted, a sound rule of construction has been laid down by Mr. Madison. "That rule is, that 'whenever a question arises concerning a particular power, the first question is whether the power be expressed in the constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be, whether it is properly an incident to an expressed power, and necessary to its execution. If it be, it may be exercised by Congress. If it be not, Congress cannot exercise it.' It is not pretended that there is any express grant in the constitution conferring on Congress the power in question. Is it then an incidental power, necessary and proper for the execution of any of the granted powers? All the granted powers, it is confidently affirmed, may be effectually executed without the aid of such an incident. "A power to be incidental, must not be exercised for ends which make it a principal, or substantive power, independent of the principal power to which it is an incident." It is not enough that it may be regarded by Congress as convenient, or that its exercise would advance the public weal. It must be necessary and proper to the execution of the principal expressed power to which it is an incident, and without which such principal power cannot be carried into effect. The whole frame of the federal constitution proves that the government which it creates, was intended to be one of limited and specified powers. A construction of the constitution so broad as that by which the power in question is defended, tends imperceptibly to a consolidation of power in a government intended by its framers to be thus limited in its authority. "The obvious tendency and inevitable result of a consolidation of the States into one sovereignty, would be to transform the republican system of the United States into a monarchy." To guard against the assumption of all powers which encroach upon the reserved sovereignty of the States, and which consequently tend to consolidation, is the duty of all the true friends of our political system. That the power in question is not properly an incident to any of the granted powers, I am fully satisfied; but if there were doubts on this subject, experience has demonstrated the wisdom of the rule that all the functions of the federal government should abstain from the exercise of all questionable or doubtful powers. If an enlargement of the powers of the federal government should be deemed proper, it is safer and wiser to appeal to the States and the people in the mode prescribed by the constitution.

It will be found, also, that the bill contains appropriations for rivers upon which there not only exists no foreign commerce, but upon which there has not been established even a paper port of entry, and for the mouths of creeks, denominated harbors, which if improved can benefit only the particular neighborhood in which they are situated. It will be found, too, to contain appropriations the expenditure of which will only have the effect of improving one place at the expense of the local, natural advantages of another in its vicinity. Should this bill become a law, the same principle which authorizes the appropriations which it proposes to make, would also authorize similar appropriations for the improvement of all the other bays, inlets and creeks, which may with equal propriety be called harbors, and of all the rivers, important or unimportant, in every part of the Union. To sanction the bill with such provisions, would be to concede the principle that the federal government possesses the power to expend the public money in a general system of internal improvements, limited in its extent only by the ever-varying discretion of successive Congresses and successive Executives. It would be to efface and remove the limitations and restrictions of power, which the Constitution has wisely provided to limit the authority and action of the federal government to a few well-defined and specified objects. Besides these objections, the practical evils which must flow from the exercise, on the part of the federal government, of the powers asserted in this bill, impress my mind with a grave sense of my duty to avert them from the country, as far as my constitutional action may enable me to do so.

It not only leads to a consolidation of power in the federal government at the expense of the rightful authority of the States, but its inevitable tendency is, to embrace objects for the expenditure of the public money, which are local in their character, benefiting but few at the expense of the common treasury of the whole. It will engender sectional feelings and prejudices calculated to disturb the harmony of the Union. It will destroy the harmony which should prevail in our legislative councils. It will produce combinations of local and sectional interests, strong enough, when united, to carry propositions for appropriations of public money which could not of themselves and standing alone succeed, and cannot fail to lead to wasteful and extravagant expenditures.

One of my predecessors, who saw the evil consequences of the system proposed to be revived by this bill, attempted to define this line by declaring that 'expenditures of this character' should be 'confined below the ports of entry or delivery established by law.' Acting on this restriction, he withheld his sanction from a bill which had passed Congress 'to improve the navigation of the Wabash river.' He was at the same time 'sensible that this restriction was not as satisfactory as could be desired, and that much embarrassment may be caused to the executive department in its execution, by appropriations for remote and not well understood objects.' This restriction, it was soon found, was subject to be evaded, and rendered comparatively useless in checking the system of improvements which it was designed to arrest, in consequence of the facility with which ports of entry and delivery may be established by law upon the upper waters, and in some instances, almost at the head springs of some of the most unimportant of our rivers, and at points on our coast possessing no commercial importance, and not used as places of refuge and safety by our navy, and other shipping. Many of the ports of entry and delivery now authorized by law, so far as foreign commerce is concerned, exist only in the statute-books. No entry of foreign goods is ever made, and no duties are ever collected at them. No exports of American products bound for foreign countries, ever clear from them. To assume that their existence in the statute-book as ports of entry or delivery, warrants expenditure on the waters leading to them, which would be otherwise unauthorized, would be to assert the proposition, that the law-making power may engrave new provisions on the constitution. If the restriction be a sound one, it can only apply to the bays, inlets and rivers connected with or leading to such ports as actually have foreign commerce; ports at which foreign importations arrive in bulk, paying the duties charged by law, and from which exports are made to foreign countries. It will be found, by applying the restriction thus understood to the bill under consideration, that it contains appropriations for more than twenty objects of internal improvement, called in the bill harbors, at places which have never been declared by law either ports of entry or delivery, and at which, as appears from the records of the treasury, there has never been an arrival of foreign merchandise, and from which there has never been a vessel cleared for a foreign country. It will be found that many of these works are new, and at places for the improvement of which appropriations are now for the first time proposed.

It will be found, also, that the bill contains appropriations for rivers upon which there not only exists no foreign commerce, but upon which there has not been established even a paper port of entry, and for the mouths of creeks, denominated harbors, which if improved can benefit only the particular neighborhood in which they are situated. It will be found, too, to contain appropriations the expenditure of which will only have the effect of improving one place at the expense of the local, natural advantages of another in its vicinity. Should this bill become a law, the same principle which authorizes the appropriations which it proposes to make, would also authorize similar appropriations for the improvement of all the other bays, inlets and creeks, which may with equal propriety be called harbors, and of all the rivers, important or unimportant, in every part of the Union. To sanction the bill with such provisions, would be to concede the principle that the federal government possesses the power to expend the public money in a general system of internal improvements, limited in its extent only by the ever-varying discretion of successive Congresses and successive Executives. It would be to efface and remove the limitations and restrictions of power, which the Constitution has wisely provided to limit the authority and action of the federal government to a few well-defined and specified objects. Besides these objections, the practical evils which must flow from the exercise, on the part of the federal government, of the powers asserted in this bill, impress my mind with a grave sense of my duty to avert them from the country, as far as my constitutional action may enable me to do so.

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It must produce a disreputable scramble for the public money, by the conflict which is inseparable from such a system, between local and individual interests and the general interest of the whole. It is unjust to those States which have, with their own means, constructed their own internal improvements, to make from the common treasury appropriations for similar improvements in other States.

In its operation it will be oppressive and unjust towards those States whose representatives and people either deny or doubt the existence of the power, or think its exercise inexpedient, and who, while they equally contribute to the treasury, cannot consistently with their opinions, engage in the general competition for a share of the public money. Thus a large portion of the Union in numbers and geographical extent, contributing its equal proportion of taxes to the support of the government, would, under the operation of such a system, be compelled to see the national treasury—the common stock of all—unequally disbursed, and often improvidently wasted for the advantage of small sections, instead of being applied to the great national purposes in which all have a common interest, and for which alone the power to collect the revenue was given. Should the system of internal improvements prevail, all these evils will multiply and increase with the increase of the number of the States, and the extension of the geographical limits of the settled portions of our country. With the increase of our numbers and the extension of our settlements, the local objects demanding appropriations of the public money for their improvement will be proportionately increased. In each case the expenditure of the public money would confer benefits, direct or indirect, only on a section, while these sections would become daily less in comparison with the whole.

The wisdom of the framers of the constitution in withholding power over such objects from the federal governments, and leaving them to the local governments of the States, becomes more and more manifest with every year's experience of the operations of our system.

In a country of limited extent, with but few such objects of expenditure, (if the form of government permitted it,) a common treasury might be used for their improvement with much less inequality and injustice than in one of the vast extent which ours now presents in population and territory. The treasure of the world would hardly be equal to the improvement of every bay, inlet, creek and river, in our

country, which might be supposed to promote the agricultural, manufacturing, or commercial interests of a neighborhood.

The federal constitution was wisely adapted in its provisions to any expansion of our limits and population; and with the advance of the confederacy of the States in the career of national greatness, it becomes the more apparent that the harmony of the Union, and the equal justice to which all its parts are entitled, require that the federal government should confine its action within the limits prescribed by the constitution to its power and authority. Some of the provisions of this bill are not subject to the objections stated, and did they stand alone, I should not feel it to be my duty to withhold my approval.

If no constitutional objections existed to the bill, there are others of a serious nature which deserve some consideration. It appropriates between one and two millions of dollars for objects which are of no pressing necessity; and this is proposed at a time when the country is engaged in foreign war, and when Congress at its present session has authorized a loan or the issue of treasury notes to defray the expenses of the war, to be resorted to if the "exigencies of the government shall require it." It would seem to be the dictate of wisdom, under such circumstances, to husband our means, and not to waste them on comparatively unimportant objects, so that we may reduce the loan or issue of treasury notes which may become necessary, to the smallest practicable sum. It would seem to be wise, too, to abstain from such expenditures with a view to avoid the accumulation of a large public debt, the existence of which would be opposed to the interests of our people, as well as to the genius of our free institutions.

Should this bill become a law, the principle which it establishes will inevitably lead to large and annually increasing appropriations and drains upon the treasury, for it is not to be doubted that numerous other localities not embraced in its provisions, but quite as much entitled to the favor of the government as those which are embraced, will demand, through their representatives in Congress, to be placed on an equal footing with them. With such an increase of expenditure must necessarily follow either an increased public debt, or increased burdens upon the people by taxation, to supply the treasury with the means of meeting the accumulated demands upon it.

With profound respect for the opinions of Congress, and ever anxious, as far as I can consistently with my responsibility to our common constituents to co-operate with them in the discharge of our respective duties, it is with unfeigned regret that I find myself constrained, for the reasons which I have assigned, to withhold my approval from this bill.

JAMES K. POLK.

WASHINGTON, August 3, 1846.

RIVER AND HARBOR BILL.

The following are the appropriations in the bill which passed the Senate, having previously passed the House:

Breakwater structure at Burlington,	
Lake Champlain,	\$15,000
Plattsburg, Lake Champlain,	15,000
Steam Dredges, Lake Champlain,	10,000
Port Ontario harbor,	10,000
Oswego harbor,	30,000
Big Sodus Bay, Lake Ontario,	5,000
Little Sodus Bay do,	5,000
Genesee river,	20,000
Oak Orchard harbor,	7,000
Dredge boat, Lake Ontario and river	
St. Lawrence,	20,000
Buffalo harbor,	50,000
Dunkirk harbor,	15,000
Erie harbor,	40,000
Grand River harbor,	10,000
Ashtabula harbor,	10,000
Cleveland harbor,	20,000
Huron harbor,	5,000
Sandusky city,	11,000
River Raisin,	13,000
Lake Erie dredge boat,	30,000
St. Clair flats,	40,000
Grand River harbor, Lake Michigan,	10,000
Mouth Kalamazoo river,	10,000
St. Joseph harbor,	10,000
Michigan city harbor,	40,000
Racine, Little Fort, Southport, Milwaukee, Chicago, and dredge boat, in all	89,000
St. Louis harbor,	75,000
Stamford ledge, Me.,	20,000
Boston harbor,	40,000
Bridgeport,	15,000
Providence,	5,000
Newcastle, Del.,	15,000
Port Penn,	5,000
Delaware breakwater,	75,000
Newark bay,	15,000
Baltimore city,	20,000
Havre de Grace,	50,000
Savannah harbor,	75,000
Hudson river, above and below Albany,	15,000
Great Wood Hole harbor, Mass.,	4,450
Ohio river, above the falls,	80,000
Ohio, below the falls at Louisville, including Arkansas, Mississippi and Missouri,	240,000
Red river,	
Completing or repairing works Atlantic,	

A Paris Journal states that a man condemned to die at Lyons, suicide, first by poison, and then by the sword, had obtained assistance being obtained, out of danger, and will to-morrow go to the sentence of the law.